

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-15-90010

In re Complaint of John Doe¹

This is a judicial complaint filed on May 11, 2015, by a state inmate against the United States district judge who issued an order adverse to complainant in complainant’s pro se civil rights suit. Complainant contends the district judge “is not reading the Pro Se Motions” in his case. Complainant makes this allegation because, in an order granting summary judgment to the defendants in complainant’s case, the district judge misstated a crucial fact—which complainant correctly laid out in his motion—that had to be corrected in a later order. Further, complainant suggests the district judge favored the defendants, disregarding complainant’s filings and arguments. Complainant “ask[s] that [the judge] be [reprimanded] . . . and be directed to perform his Job correctly” and for “a n[e]utral Judge . . . to review this case.”

To the extent complainant alleges the district judge incorrectly granted summary judgment, this allegation must be dismissed as it “is directly related to the merits of” the district judge’s decision. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct and Judicial-Disability Proceedings of the Judicial Conference of the United States (J.C.U.S.) Rule 11(c)(1)(B); E.C. Rule 4(c)(2); see also J.C.U.S. Rule 3(h)(3)(A) (“An allegation that calls into question the correctness of a judge’s ruling, . . . without more, is merits-related.”). Such complaints must be presented through a direct appeal, and are not the proper subject of a judicial complaint.

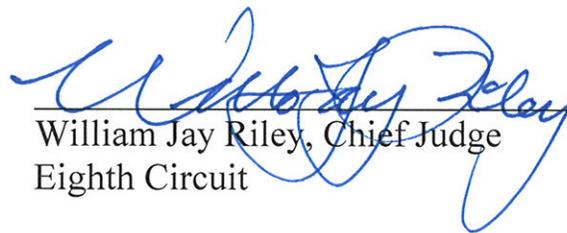
¹Under Rule 4(f)(1) of the Rules Governing Complaints of Judicial Misconduct and Disability of the Eighth Circuit (E.C.), the names of the complainant and the judge complained about are to remain confidential, except in special circumstances not present here.

Although complainant's suggestion the district judge favored the defendants is not necessarily merits-related, an allegation of partiality or other improper judicial motive must be dismissed as merits-related where, as here, the only support for the allegation is the merits of the judge's decision. See J.C.U.S. Rule 3(h)(3)(A).

Complainant's claim that the district judge did not read his filings must also be dismissed. After reviewing the documents in complainant's case, I have not found "sufficient evidence to raise an inference that misconduct has occurred." 28 U.S.C. § 352(b)(1)(A)(iii); see J.C.U.S. Rule 11(c)(1)(D); E.C. Rule 4(c)(3).

The complaint is dismissed.

June 17, 2015



William Jay Riley, Chief Judge
Eighth Circuit